

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JIMMIE L. HARRISON,

Plaintiff,

Case Number 2:14-cv-11323

Honorable Lawrence P. Zatkoff

v.

PAUL FEHRMAN, ET. AL.,

Defendants.

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OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION

Plaintiff, Jimmie Harrison, a state prisoner, filed this case under 28 U.S.C. § 1983, seeking monetary damages for his allegedly wrongful conviction. On April 25, 2014, the Court summarily dismissed the complaint under *Heck v. Humphrey*, 512 U.S. 477, 486-487 (1994), because Plaintiff has not obtained a reversal of his conviction. Presently before the Court is Plaintiff's motion to stay and hold his case in abeyance and to amend the complaint to add new claims [dkt. 11]. The Court will construe the motion as a request for reconsideration of the summary dismissal.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In the present case, the "new arguments" Plaintiff wishes to raise in his proposed amended complaint will still be subject to summary dismissal under *Heck*. Further, Plaintiff is merely

presenting issues which were already ruled upon by the Court, either expressly or by reasonable implication, when the court denied his previous motion. As such, Plaintiff's motion will be denied. *See Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to stay and hold his case in abeyance and to amend the complaint to add new claims [dkt. 11] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff  
Honorable Lawrence P. Zatkoff  
United States District Judge

Dated: July 24, 2014